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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION**

No. 3:23-md-03084-CRB-LJC

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION TO PRODUCE DOCUMENTS
PURSUANT TO 15 U.S.C. § 1681B(A)(1)**

This Document Relates to:

Magistrate Judge: Honorable Lisa J. Cisneros

All Cases

**TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD, AND TO
CHECKR, INC. AND ITS COUNSEL:**

Please take notice that on a date and time to be set by the Court, before the Honorable Lisa J. Cisneros in Courtroom G on the 15th Floor of the San Francisco Courthouse for the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, CA 94102, Plaintiffs by and through the undersigned counsel, will and hereby do, move the Court for an Order pursuant to 15 U.S.C. § 1681b(a)(1) for disclosure of consumer reports furnished to Defendant Uber Technologies, Inc. by third party Checkr, Inc. in connection with the Uber rides business:

BACKGROUND

Through Defendant Fact Sheet (DFS) discovery, Uber was required to produce background checks it obtained for the Uber drivers who Plaintiffs allege sexually harassed and assaulted them during Uber rides (collectively, the “subject drivers”). PTO 10. However, despite Uber’s purported policy of obtaining background checks for all drivers on an annual basis, Uber’s productions did not include background checks for all drivers, for every year. Indeed, Plaintiffs considered Uber’s DFS production substantially deficient. *See, e.g.*, ECF 2849 at 5–6. To ensure that they had a full and

1 complete record of all background checks performed on subject drivers on Uber's behalf, counsel for
 2 bellwether plaintiffs issued third party subpoenas to the entities that Uber used to perform background
 3 checks on its drivers, Checkr, Inc. ("Checkr"). Hoefs Decl. Ex. A, Checkr's Objections and Responses
 4 to Bellwether Plaintiffs' Subpoenas. Subpoenas were served on Checkr in connection with the
 5 following cases:
 6

| Case Number | Plaintiff |
|---------------|-----------------------|
| 3:24-cv-07019 | LCHB128 |
| 3:23-cv-06708 | Jaylynn Dean |
| 3:24-cv-07940 | B.L. |
| 3:24-cv-07821 | A. R. 2 |
| 3:23-cv-04972 | C.L. |
| 3:24-cv-05027 | WHB 1898 |
| 3:24-cv-01915 | A.G. |
| 3:24-cv-01827 | T.R. for A.R. [A.R.1] |
| 3:24-cv-09217 | T. L. |
| 3:24-cv-05028 | WHB 407 |
| 3:24-cv-04889 | WHB 318 |
| 3:24-cv-04900 | WHB 832 |
| 3:24-cv-08783 | Jane Doe QLF 001 |
| 3:24-cv-05281 | K.E. |
| 3:24-cv-06669 | Jane Roe CL 68 |
| 3:24-cv-04803 | WHB 1486 |
| 3:24-cv-08937 | Amanda Lazio |
| 3:24-cv-05230 | WHB 1876 |
| 3:24-cv-07228 | D. J. |
| 3:24-cv-03335 | J.E. |

21
 22 Each subpoena that the bellwether plaintiffs served on Checkr contained an identical Request 1:

23 Please produce all documents YOU generated relating in any way to the Subject
 24 Driver, whether or not shared with Uber, including but not limited to the complete
 background check and any background check re-runs.
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See *id.* The "Subject Driver," or the driver who had committed sexually assaulted or harassed the
 bellwether plaintiff during the Uber ride that forms the basis of her lawsuit, was identified
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1 individually in each subpoena. Requests 2 and 3 have been fully resolved and no documents or
2 other information are outstanding to Plaintiffs from or for Checkr.

3 **ARGUMENT**

4 Checkr is a consumer reporting agency that generated consumer reports (i.e., background
5 checks reports) on the Uber’s drivers within the meaning of the Fair Credit Reporting Act (FCRA),
6 15 U.S.C. § 1681 *et seq.* 15 U.S.C. § 1681a(d), (f) on behalf of Defendant Uber Technologies, Inc. in
7 connection with its rides business. Accordingly, Checkr “may furnish a consumer report” under the
8 circumstances delineated by 15 U.S.C. § 1681b(a) “and no other.” These circumstances include
9 furnishing a report “in response to the order of a court.” 15 U.S.C. § 1681b(a)(1); *Young v. Trans*
10 *Union*, 616 Fed.Appx. 301, 302 (9th Cir. 2015) (“consumer reporting agencies may furnish consumer
11 reports in response to a proper court order”). In response to Request 1, Checkr stated among other
12 things it “will produce its consumer reports for Uber Technologies, Inc. (“Uber”) regarding the
13 Driver, if any, if the Court first enters an appropriate order.” Hoefs Decl. Ex. A. Here, the background
14 checks performed on Uber’s drivers, including through the use of third party vendor Checkr are
15 central to Plaintiffs’ negligence claims, among others. *See MCL ¶¶ 17, 160, 163, 165–66, 216, 365.*
16 Plaintiffs have sought complete records of the background checks performed from Uber through party
17 discovery but because Uber has not produced all background checks for all drivers, for all years of activity,
18 Plaintiffs need to obtain the background checks directly from the background check companies, which, in
19 turn, requires a Court order. *See 15 U.S.C. § 1681b(a)(1).* Plaintiffs have provided Checkr’s counsel with
20 a copy of this Motion and Proposed Order and Checkr does not oppose this Motion for an order authorizing
21 Checkr to produce copies of the reports for these specific drivers. (Checkr has otherwise reserved its
22 rights, privileges and objections, and takes no position on Plaintiffs’ statement about what Plaintiffs
23 characterize as deficiencies in Uber’s productions to date.)

24 **CONCLUSION**

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For the foregoing reasons, Plaintiffs respectfully request that the Court enter an Order authorizing third party Checkr, Inc. to produce consumer reports for the Subject Drivers in the identified cases which were generated by Defendant Uber Technologies, Inc. in connection with the Uber rides business.

Dated: June 11, 2025

Respectfully submitted,

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Counsel for Plaintiffs

1 **FILER'S ATTESTATION**

2 I am the ECF User whose ID and password are being used to file this document. In compliance
3 with Civil Local Rule 5-1(i)(3), I attest that the signatories above concurred in this filing.

4 Dated: June 11, 2025

By: */s/ Samantha Hoefs*

5 Samantha Hoefs

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